

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P.Q. Docket No. 09-0030
	)	
M&N Aviation, Inc.	)	
	)	
	)	
Respondent	)	
	)	CONSENT DECISION

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) and the regulations promulgated thereunder (7 C.F.R. §§ 318.58 et seq.) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the Respondent violated the Plant Protection Act. The Complainant and the Respondent have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

1. For the purpose of this Consent Decision only, Respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, admits to the Findings of Fact set forth below, and waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof; and
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

2. The Respondent also stipulates and agrees that the United States Department of Agriculture is the "prevailing party" in this proceeding and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. §§ 504 et seq.) for fees and other expenses incurred by the Respondent in connection with this proceeding.

#### Findings of Fact

1. M&N Aviation, Inc., hereinafter referred to as Respondent, has a mailing address of P.O. Box 9066566, San Juan, Puerto Rico 00906-6566.

2. On or about October 6, 2004, the Respondent provided Fixed Based Operation (FBO) services to an aircraft with tail # V2LGD at the Luis Munoz Marin International Airport in Carolina, Puerto Rico.

#### Conclusions

The Respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.


#### Order

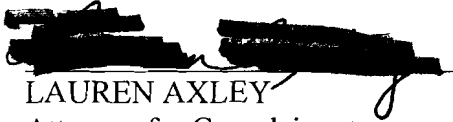
The Respondent, M&N Aviation Inc., is assessed a civil penalty of seven hundred and fifty dollars (\$750). The Respondent shall send a certified check or money order for seven hundred and fifty dollars (\$750), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, U.S. Bank, P.O. Box 979043, St.

Louis, Missouri 63197-9000, within thirty (30) days from the effective date of this Order.

The certified check or money order should include the docket number of this proceeding.


This Order shall become effective when served on the Respondent.

  
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SYLVIA GONZALEZ-GONZALEZ  
Attorney for Respondent

  
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LAUREN AXLEY  
Attorney for Complainant

Issued this 15<sup>th</sup> day of August, 2009

at Washington, D.C.

  
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Administrative Law Judge